UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,370	02/19/2002	Howard T. Marano	2001P10727 US01	9274

7590   10/09/2007

Elsa Keller, Legal Assistant
Intellectual Property Department
SIEMENS CORPORATION
186 Wood Avenue South
Iselin, NJ 08830

EXAMINER
VAN DOREN, BETH

ART UNIT	PAPER NUMBER
3623	

MAIL DATE	DELIVERY MODE
10/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

MAILED
OCT 0 9 2007
GROUP 3600

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/007,370
Filing Date: February 19, 2002
Appellant(s): MARANO, HOWARD T.

Howard T. Marano
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 06/19/2007 appealing from the Office action mailed

12/19/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Srimuang (U.S. 2003/0061087)

Mayhak, Jr., et al. (U.S. 2001/0051888)

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-11 and 14-19 are rejected under 35 U.S.C. 102(e) as being anticipated by

Srimuang (U.S. 2003/0061087).

As per claim 1, Srimuang teaches a method for assigning an identifier to at least one of a

plurality of displayable task schedules, comprising the activities of:

a.   initiating display of at least one interface menu supporting user entry of decision

information for initiating execution of at least one executable procedure for automatically

selecting a task from a plurality of different tasks and assigning an identifier representing a

selected task to a particular task schedule of a plurality of displayable task schedules associated

with a corresponding plurality of different entities, in response to received information

identifying an event, said particular task schedule being associated with a particular entity of said

corresponding different entities (See figures 13-15, paragraphs 13, 56, 68-9, 80-1, 87, 109-110,

where an interface allows users to enter information identifying an event (i.e. service event).

Once this is entered, the system identifies multiple tasks associated with the service, the tasks

associated with employees and/or resources. The system automatically checks the availability of

these schedules and places a selected task on the schedule of a selected entity (employee or

resource). See also figures 2 and 6);

b.   receiving decision information entered via said at least one interface menu (See figures

13-15, paragraphs 13, 56, 68-9, 80-1, 87, 109-110); and

c.   applying the received decision information and initiating execution of said at least one

executable procedure, in response to received information identifying an event to automatically

select a task from a plurality of different tasks and assign a task representative identifier

representing a selected task to be performed by said particular entity to said task schedule

associated with said particular entity (See figures 13-15, paragraphs 13, 56, 68-9, 80-1, 87, 109-

110, where an interface allows users to enter information identifying an event (i.e. service event).

Once this is entered, the system identifies multiple tasks associated with the service, the tasks

associated with employees and/or resources. The system automatically checks the availability of

these schedules and places a selected task on the schedule of a selected entity (employee or

resource). See also figures 2 and 6).

As per claim 2, Srimuang discloses initiating execution of at least one executable

procedure to automatically select said particular task schedule from said plurality of displayable

task schedules, in response to said received information identifying an event (See figures 13-15,

paragraphs 13, 56, 68-9, 80-1, 87, 109-110, where an interface allows users to enter information

identifying an event (i.e. service event). Once this is entered, the system identifies multiple tasks

associated with the service, the tasks associated with employees and/or resources. The system

automatically checks the availability of these schedules and places a selected task on the

schedule of a selected entity (employee or resource). See also figures 2 and 6); and wherein

the step of initiating display of at least one interface menu includes initiating display of

menu elements prompting a user to identify at least (c) decision information for initiating

execution of at least one executable procedure for identifying a task schedule for listing a task

representative identifier (See figures 13-15, paragraphs 13, 56, 68-9, 80-1, 87, 109-110, where an

interface allows users to enter information identifying an event (i.e. service event). Once this is

entered, the system identifies multiple tasks associated with the service, the tasks associated with

employees and/or resources. The system automatically checks the availability of these schedules

and places a selected task on the schedule of a selected entity (employee or resource). See also

figures 2 and 6).

As per claim 3, Srimuang discloses wherein the decision information initiates execution

of at least one logical procedure for processing data associated with a task to identify a task

schedule for incorporating the task representative identifier (See figures 13-15, paragraphs 13,

56, 68-9, 80-1, 87, 109-110, wherein the entered information concerning the determined service

causes execution by the system that identifies needed schedules).

As per claim 4, Srimuang teaches wherein the data associated with a task comprises at

least (a) a medical procedure identifier for a scheduled procedure (See paragraphs 109-110,

wherein the data identifies the medical procedure, such as an exam).

As per claim 5, Srimuang discloses wherein said decision information initiates execution

of at least one executable procedure to automatically and programmatically without user

intervention select said task and assign said identifier, in response to the received information

identifying an event (See figures 13-15, paragraphs 13, 56, 68-9, 80-1, 87, 109-110, where

information identifying an event (i.e. service event) is entered and the system identifies multiple

tasks associated with the service, the tasks associated with employees and/or resources. The

system automatically checks the availability of these schedules and places a selected task on the

schedule of a selected entity (employee or resource). See also figures 2 and 6) and

and the entity comprises at least (c) a medical device or system (See 0056, 109-110,

which discloses entities).

As per claim 6, Srimuang discloses wherein:

a.   decision information identifies the predetermined event (See paragraph 9, 11, 71-2, 80-1,

109-110, wherein the event is a predetermined service); and

b.   the predetermined event corresponds to at least (b) beginning of a medical procedure (12-

3, 85-6, 105, 109-110, wherein the event has timing associated with the procedure, such as a

medical exam).

As per claim 7, Srimuang discloses wherein said received decision information initiates

execution of said at least one executable procedure to prioritize a plurality of task representative

identifiers of a task schedule associated with a particular entity in response to occurrence of a

triggering event (See figures 13-15, paragraphs 13, 56, 68-9, 80-1, 87, 109-110, wherein

information is received that initiates scheduling of a plurality of people and machines to the task

(i.e. service is requested which involves people and/or resources). See also paragraphs 31, 45,

65, 80-1, 108, wherein the received information caused conflict detection and revisions, that

allows the schedule to be revised based on priority. The conflict is the triggering event).

As per claim 8, Srimuang teaches steps a, b, c, and d, as set forth above with regards to

claim 1. Srimuang further discloses said particular task schedule being associated with a

particular entity of said corresponding plurality of different entities and accessible by the

particular entity (See figure 2, paragraphs 8-9, 28-31, 75, 78), the decision information including:

  i.   at least one executable procedure for processing data associated with a task to

select a task schedule for incorporating the task representative identifier and for assigning

said task representative representing a task to be performed by said particular entity, to

said selectable task schedule (See figures 13-15, paragraphs 13, 56, 68-9, 80-1, 87, 109-

110, wherein an event is identified (i.e. service event) and the system identifies multiple

tasks associated with the service, the tasks associated with employees and/or resources.

The system automatically checks the availability of these schedules and places a selected

task on the schedule of a selected entity (employee or resource). See figures 2 and 6),

  ii.   an event for triggering application of said at least one executable procedure (See

figures 13-15, paragraphs 13, 56, 68-9, 80-1, 87, 109-110, wherein input of the service

request triggers the automatic search for availability).

Claim 9 recites equivalent limitations to claim 1, element a. and claim 4 and is therefore

rejected using the same art and rationale set forth above.

Claim 10 recites equivalent limitations to claim 6 and is therefore rejected using the same

art and rationale set forth above.

As per claim 11, Srimuang discloses acquiring the data associated with a task (See

figures 13-15, paragraphs 13, 56, 68-9, 80-1, 87, 109-110, wherein needed entities and

availability data are acquired).

As per claim 14, Srimuang teaches wherein said at least one executable procedure

removes a task representative identifier from the task schedule associated with the particular

entity in response to occurrence of a triggering event (See figures 13-15, paragraphs 13, 56, 68-9, 80-1, 87, 109-110, wherein information is received that initiates scheduling of a plurality of people and machines to the task (i.e. service is requested which involves people and/or resources). See also paragraphs 31, 45, 65, 80-1, 108, wherein the received information caused conflict detection and revisions, that allows the schedule to be revised based on priority. The conflict is the triggering event).

As per claim 15, Srimuang teaches step ai, as set forth above in the rejection of claim 1. Srimuang further teaches ii. initiating display of an updated task schedule including said selected task having said assigned identifier associated with the particular entity, in response to received information identifying an event (See figures 13-15, paragraphs 13, 56, 68-9, 80-1, 87, 109-110, where an interface allows users to enter information identifying an event (i.e. service event). Once this is entered, the system identifies multiple tasks associated with the service, the tasks associated with employees and/or resources. The system automatically checks the availability of these schedules and places a selected task on the schedule of a selected entity (employee or resource). See also figures 2 and 6).

As per claim 16, teaches the elements of claim 16, as explained above with regards to claims 8 and 15. Claim 16 is rejected using the same art and rationale set forth above.

As per claims 17 and 18, claims 17 and 18 recite equivalent limitations to claims 8 and 1, respectively, and are therefore rejected using the same art and rationale set forth above.

As per claim 19, claim 19 is rejected using the same are and rationale applied in the rejection of claim 1. Srimuang further discloses a computer program embodied within a computer readable medium (See paragraphs 28-9, 70-3).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srimuang

(U.S. 2003/0061087) in view of Mayhak, Jr., et al. (U.S. 2001/0051888).

As per claims 12-13, Srimuang teaches at least one executable procedure conditions

allocation of the task to the task schedule associated with the particular entity and acquiring data

(See figures 2, 6, and 13-15, paragraphs 13, 56, 68-9, 80-1, 87, 109-110, wherein the system

identifies multiple tasks associated with the requested service, and the system automatically

checks the availability of the schedules of the entities needed to perform the tasks. See figures

13-15, paragraphs 13, 56, 68-9, 80-1, 87, 109-110, wherein needed entities and availability data

are acquired).

Srimuang further discloses a triggering event (See figures 13-15, paragraphs 13, 56, 68-9,

80-1, 87, 109-110, wherein input of the service request triggers the automatic search for

availability). However, Srimuang does not specifically disclose that the tasks are allocated based

upon coincidence of a plurality of occurrences, that the triggering event is conditioned upon

coincident of a plurality of occurrences, or acquiring data to identify the coincidence of the

plurality of occurrences.

Mayhak, Jr., et al. teaches scheduling in a medical/doctor environment, wherein a

procedure conditions allocation of the task to the task schedule associated with the particular

entity upon coincidence of a plurality of occurrences, (See paragraphs 0010-12, 0040-2, 0065, 0068, 0071, 0076, wherein the task is allocated to a task schedule based on the occurrence of multiple events that happen together (i.e. profiles of employee and patient, type and timing of appointment, deleting and modification to the schedule, job type, etc.)), that the triggering event is conditioned upon coincidence of a plurality of occurrences (See paragraphs 0010-2, 0036, 0040-2 0065, 0067-8, 0076, wherein the entering of profile information and patients schedules causes the triggering of a procedure that generates employee schedules. The task is allocated to a task schedule based on the occurrence of multiple events that happen together (i.e. profiles of employee and patient, type and timing of appointment, deleting and modification to the schedule, job type, etc.)), and wherein data is acquired to identify the coincidence of the plurality of occurrences (See paragraphs 0010-12, 0040-2, 0065, 0068, 0071, 0076, wherein the system has data associated with the occurrences).

Both Mayhak, Jr., et al. and Srimuang disclose electronic scheduling systems, where medically related tasks are allocated to task schedule. Mayhak, Jr., et al. teaches scheduling in a medical/doctor environment, wherein a procedure and a triggering event are conditioned to allocate the task to the task schedule associated with the particular entity upon coincidence of a plurality of occurrences. It is well known in scheduling that other events may occur, leading into the scheduling of the current event. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to condition the trigger event and allocate tasks based on the coincidence of the occurrence of tasks in order to more efficiently schedule tasks using the system. See paragraphs 0008-10 of Srimuang.

(10) Response to Argument

In the Appeal Brief, Applicant makes the following arguments:

1) That the scheduling of Srimuang is performed by a user (or manually), which is unlike the claimed invention where the scheduling is automatically performed, with automatic selection and assignment of an identifier for the task that was automatically assigned

2) Srimuang does not teach or suggest automatic selection of a task from a plurality of tasks or automatically selecting tasks from a plurality of tasks or workers from a plurality of workers and assign tasks to the selected worker.

3) Merely scheduling an appointment as in Srimuang is not equivalent to the automatic selection of tasks from multiple available tasks in response to received information identifying an event

4) An appointment to receive service in Srimuang is not equivalent to (and does not suggest) selection of a task for performance

5) As per claim 5, Srimuang does not teach or suggest automatically or programmatically without user intervention select said task and assign said identifier

6) Srimuang does not teach or suggest a triggering event which automatically initiates the executable procedure used to automatically select a task schedule

7) As per claim 14, scheduling a service with a second-choice resources because the first choice resource presents a conflict is not the same as "said at least one executable procedure removes a task representative identifier from the task schedule associated with the particular entity in response to the occurrence of a triggering event"

8) Neither Mayhak nor Srimuang teach or suggest assigning tasks in response to a triggering

event and specifically in response to a coincidence of a plurality of occurrences, or acquiring

data to identify the coincidence of the plurality of occurrences

In response to argument 1), Examiner respectfully disagrees. The claims specifically recite

"initiating display of at least one interface menu *supporting user entry of decision information*

[...]", "receiving decision information entered via said at least one interface menu", and

"*applying the received decision information* and initiating execution of said at least one

executable procedure, *in response to received information identifying an event* to automatically

select a task from a plurality of different tasks and assign a task representative identifier

representing a selected task to be performed by said particular entity to said task schedule

associated with said particular entity". Therefore, as claimed, decision information is entered

into the system by a user (i.e. manually), this decision information identifying an event. The user

input decision information is then used to automatically select a task and place is on a particular

entities calendar. Therefore, a manual entry fuels automatic task selection.

In Srimuang, a user interface is used to allow a customer user to enter information identifying

an event (such as a service request). The input of this manual, user entered decision information

identifying an event causes the system to execute a procedure that automatically identifies tasks

associated with the event/service request entered, the tasks associated with employees and/or

resources. The system **automatically** checks the availability of these schedules and places a

selected task on the schedule of a selected entity (employee or resource). Examiner points out

that a task, based on the broadest reasonable interpretation of the term, is definite piece of work

assigned to an entity. Therefore, the people and/or resources are assigned various tasks or pieces

of the work required to complete the service request. The system is able to automatically

schedule the combination of workers and resources because the definition of specific services are

programmed and written into the software identifying the rules that govern who and what is

required for a service. Therefore, when a customer user requests a service (i.e. an entered event),

the system is able to initiate execution of this programmed procedure to automatically schedule

the tasks needed. See paragraph 87. See also figures 13-15, paragraphs 13, 56, 68-9, 80-1, 87,

109-110.

See specifically paragraph 80, which discusses using service data to automatically schedule

the grouping of needed resources and people based on a single service request. See also

paragraph 81, wherein the availability of the need people and resources is automatically checked

based on the requested event. **Finally, see paragraph 109, where a service request is used to**

automatically schedule tasks to a combination of people and resources using a unitary

request.

In response to argument 2) and 4), Examiner respectfully disagrees. See discussion above

with respect to argument 1). The claims recite "automatically select a task from a plurality of

different tasks and assign a task representative identifier representing a selected task to be

performed by said particular entity to said task schedule". Srimuang discloses that a service

request event is automatically broken down into a series of task (or pieces of work assigned to an

entity or entities) that are assigned to various resources or people. The system **automatically**

checks the availability of these schedules and places a selected task on the schedule of a selected

entity (employee or resource). See figures 13-15, paragraphs 13, 56, 68-9, 80-1, 87, 109-110.

In response to argument 3) and 4), Examiner points out that Srimuang does not merely schedule an appoint, but rather schedule a service request event by **automatically scheduling tasks to a combination of people and resources using a unitary request.** See paragraphs 87 and 109, wherein the task of scheduling multiple employees and resources was too complex for manual processing, so the system is programmed to take a single input request by a customer and automatically translate this request into a series of tasks to be scheduled with multiple resources and employees.

In response to argument 5), Examiner respectfully disagrees. Claim 5 recites "said decision information initiates execution of at least one executable procedure to automatically and programmatically without user intervention". As discussed above in response to argument 1), the claims recite that the decision information is entered into the system by a user (i.e. manually), this decision information identifying an event. In claim 5, the user input decision information is then used to automatically and programmatically without user intervention select a task. It is important again to note that a manual entry fuels automatic task selection. In Srimuang, the user inputs the decision information identifying an event of a service request, which causes the system to **automatically** checks the availability of these schedules and places a selected task on the schedule of a selected entity (employee or resource). **See paragraph 109, where a service request is used to automatically schedule tasks to a combination of people and resources using a unitary request.** The system is able to automatically schedule the combination of workers and resources because the definition of specific services are **programmed and written into the software** identifying the rules that govern who and what is required for a service. Therefore, when a customer user requests a service (i.e. an entered event), the system is able to

initiate execution of this programmed procedure to automatically and without user intervention
schedule the tasks needed. See paragraph 87. See also figures 13-15, paragraphs 13, 56, 68-9,
80-1. Therefore, the system does not require user intervention to schedule the entities and tasks.

In response to argument 6), Examiner respectfully disagrees. A service request event is
received that initiates scheduling of a plurality of people and resources (i.e. service is requested
which involves people and/or resources who are assigned various tasks or pieces of the work
required to complete the service request). The received information identifying the event causes
conflict detection and revisions, that allows the schedule to be revised based on priority. The
conflict is the triggering event. Examiner notes that in the broadest reasonable interpretation that
the term "triggering event" is something that happens that causes another occurrence or action.
When automatic scheduling of tasks occur and a proposed task is to be added to a schedule, a
conflict may occur, which then causes revisions to the schedule to occur based on priority. See
paragraphs 31, 45, 65, 80-1, 108.

In response to argument 7), Examiner respectfully disagrees. Examiner points out that the
claim specifically recites "wherein said at least one executable procedure removes a task
representative identifier from the task schedule associated with the particular entity in response
to occurrence of a triggering event". Again, examiner notes that in the broadest reasonable
interpretation, the term "triggering event" is something that happens that causes another
occurrence or action. Srimuang discloses that When automatic scheduling of tasks occur and a
proposed task is to be added to a schedule, a conflict may occur, which then causes revisions to
the schedule to occur based on priority. See paragraphs 31, 45, 65, 80-1, 108. When revisions

occur as a result of the conflict, tasks are removed from the calendar of one resource

automatically based on revision procedures, thus allowing the conflict to be resolved.

In response to argument 8), Examiner respectfully disagrees. Examiner first notes the

discussion on pages 47-48 of the appeal brief that states that the Examiner should provide

"reason why one having ordinary skill in the pertinent art would have been led to modify the

prior art or combine prior art reference to arrive at the claimed invention. Such reason must stem

from some teaching, suggestion, or implication in the prior art as a whole or knowledge

generally available to one having ordinary skill in the art. Examiner notes that KSR forecloses

the argument that a specific teaching, suggestion, or motivation is required to support a finding

of obviousness. Ex parte Smith, USPQ2d.

Further, Srimuang teaches at least one executable procedure conditions allocation of the

task to the task schedule associated with the particular entity and triggering events, as discussed

in response to the arguments above. Srimuang further teaches acquiring data related to the

scheduling and triggering event/conflict. See figures 2, 6, and 13-15, paragraphs 13, 56, 68-9,

80-1, 87, 109-110.

Mayhak, Jr., et al. specifically teaches scheduling in a medical/doctor environment,

wherein a procedure conditions allocation of the task to the task schedule associated with the

particular entity upon coincidence of a plurality of occurrences. A triggering event is

conditioned upon coincidence of a plurality of occurrences. See paragraphs 0010-2, 0036, 0040-

2 0065, 0067-8, 0076, wherein the task is allocated to a task schedule based on the occurrence of

multiple events that happen together. The entering of profile information and patients' schedules

causes the triggering of a procedure that generates employee schedules. The task is allocated to

a task schedule based on the occurrence of multiple events that happen together (i.e. profiles of

employee and patient, type and timing of appointment, deleting and modification to the schedule,

job type, etc.)). Data is acquired to identify such events, as taught in paragraphs 0010-12, 0040-

2, 0065, 0068, 0071, 0076.

Therefore, the combination of Mayhak nor Srimuang does teach assigning tasks in

response to a triggering event and specifically in response to a coincidence of a plurality of

occurrences, or acquiring data to identify the coincidence of the plurality of occurrences.

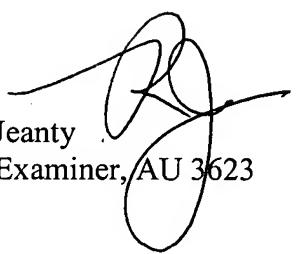For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Beth Van Doren

BETH VAN DOREN
PRIMARY EXAMINER
AU 3623

Conferees:

Tariq Hafiz
SPE, AU 3623

Romain Jeanty
Primary Examiner, AU 3623